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TAGS: [PGOV](#) [PHUM](#) [HK](#)
SUBJECT: UNDERSTANDING HONG KONG'S LEGISLATIVE COUNCIL
ELECTION SYSTEM

Classified By: CONSUL GENERAL JOSEPH DONOVAN. Reasons: 1.4 (B,D)

11. (C) Summary: Hong Kong's fourth Legislative Council (Legco) elections on September 7 will directly affect the pace and direction of the Special Autonomous Region's democratic development. Legco's convoluted election system -- one that confuses most Hong Kong voters -- creates its own campaign dynamic and shapes the election strategies of both the pan-democrat and pro-Beijing parties alike. The 60-member body is divided evenly between representatives from geographic and functional constituencies. Geographic candidates face restrictive campaign spending limits that force parties to strategize about the ordering of candidates on slates and the number of slates to run in a single district. Functional candidates must base their campaign tactics on the number of eligible electors in a particular constituency as well as the type of voting method used. Carefully choosing and executing the right strategy in each constituency is key to the pan-democrats retaining their blocking minority in Legco. End Summary

12. (C) Hong Kong's fourth Legislative Council (Legco) elections on September 7 will directly affect the pace and direction of its democratic development. Because a two-thirds majority in Legco is required for changes to the Basic Law's procedures for choosing the Chief Executive, the pan-democrats must retain at least 21 of the 26 seats they currently hold in the 60-seat body to be able to challenge whatever reform proposals the Executive tables. As stipulated under the Basic Law, Legco members are elected to four-year terms from both geographic and functional constituencies. All 60 seats are up for grabs, although 14 functional representatives are running uncontested. While 3.7 million voters are eligible to cast ballots for the 30 geographic representatives, only 230,000 electors will chose 30 representatives in 28 functional constituencies. Knowledge of the tortuous Legco election system helps understand some of the challenges to Hong Kong's nascent democracy.

The Geographic Constituencies

13. (U) Geographic representatives are chosen from the following multi-seat districts:

District	Number of Seats
Hong Kong Island	6
Kowloon East	4
Kowloon West	5
New Territories East	7
New Territories West	8

14. (SBU) In the geographic constituencies voters cast one

ballot for a slate of candidates who are usually party affiliated. Candidates on each slate are listed in rank order. The top candidate on a slate is elected if the slate's vote count exceeds the total number of valid votes cast, divided by the number of seats in that district. For example, if 480,000 votes were cast in the Hong Kong Island district with six seats, a slate would need 80,000 votes in order for its top candidate to be elected. If three slates each received 80,000 votes, each would win one seat. For the remaining seats, a second minimum would be set by taking the number of votes received by the highest-winning slate minus the initial 80,000. So, if the highest-winning slate received 120,000 votes, then the new minimum would be 40,000, and the remaining seats would be filled by slates with more than 40,000 votes in order of votes received. After this round, any remaining seats are filled in order of vote total.

This convoluted process, a mystery to most Hong Kong residents, creates its own campaign dynamic and election strategies.

15. (C) First, geographic constituency candidates need only appeal to a core group of supporters rather than the electorate at-large. The need to cultivate a core group forces parties to decide whether they are strongest running as a party "brand" in which case they would put all their candidates on one slate; or on the appeal of individual candidates, in which case they might run multiple slates in the same district, allowing popular candidates to head his or her own slate. Some parties have also chosen to run a single candidate slate to ensure the election of their party leader but thereby forgoing any chance to elect several representatives.

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16. (C) Those parties able to allocate votes have a distinct advantage. Some households supporting the pan-democrat or pro-Beijing camps will themselves divide their votes among several slates in order to maximize the number of successful candidates for their side. Pan-democratic candidates charge pro-Beijing parties encourage this process among their supporters by conducting exit polls on election day to determine which slates have obtained sufficient votes and then instructing their remaining supporters to cast their ballots for another allied slate. This practice is not illegal, but is strongly discouraged by the Election Affairs Commission.

17. (SBU) Each of the five geographic constituencies has its own election spending limit which is determined by the number of registered voters. The limits are meant to prevent candidates with significant personal financial resources from having an unfair advantage, but in practice the limits are so low as to greatly limit candidates' ability to reach audiences. Candidates have few options other than on-the-ground canvassing with handbills, campaign posters, and attending community forums sponsored by local NGOs or media. Many now use Facebook and other free online media to disseminate information and build support.

The Functional Constituencies

18. (SBU) The 28 functional constituencies (labor elects three representatives) are composed of economic and social groups, including representatives from the legal, catering and sports fields, as well as rural assemblies and district councils. Only 230,000 voters are eligible to participate in functional constituency elections, less than that of any single geographic constituency. The electoral pool in each functional constituency varies widely, with 150,000 voters spread among the three largest and less than 200 voters in the four smallest. Each functional constituency formulates its own rules for selecting electors. If an individual's professional responsibilities or business interests spread

across multiple constituencies, s/he may be eligible to vote in several functional constituencies.

¶9. (SBU) The functional constituencies use two methods to elect their Legco representatives. The four smallest constituencies select their candidates by voter ranking the candidates in order of preference. A candidate must obtain an absolute majority of the first preference votes to be elected. The remaining 24 functional constituencies use the "first past the post" method; the candidate who obtains the greatest number of votes is elected regardless of his or her percentage of the total.

¶10. (C) While a number of functional constituency races include sharp competition among party and independent candidates, their club-like nature is best demonstrated by the fact that 14 of the 30 incumbents will be returned uncontested. While the Basic Law calls for the eventual election of the entire Legco by universal suffrage, sharp debate continues as to whether the functional constituencies are innately incompatible with universal suffrage or could continue with restructured and broadened electorates.
DONOVAN